JOINT/SELECT COMMITTEE REPORTS OF LEGISLATIVE ASSEMBLY - 1933

The Indian Railways (Amendment) Bill (Sec.51)

List of Reports of Select or Joint Committees presented in the Legislative Assembly in 1933.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Hedjaz Pilgrims (Muallims) Bill.	6.2.33.	
2.	The Workmen's Compensation(Amendment) Bill.	14.2.33.	
3.	The Land Acquisition (Amendment) Bill.	14.2.33.	
4.	The Auxiliary Force (Amendment) Bill.	14.2.33.	
5.	The Indian Wireless Telegraphy Bill.	23.2.33.	
6.	The Indian Railways(Amendment) Bill(Sec.51).	24.3.33.	
7.	The Indian Income-tax(Amendment) Bill.	1.4.33.	
8.	The Indian Income-tax(Second Amendment) Bill.	10.4.33.	
9.	The Indian Medical Council Bill.	1.9.33.	
10.	The Indian Merchant Shipping(Second Amendment)Bill.	4.9.33.	
11.	The Murshidabad Estate Administration Bill.	7.9.33.	
12.	The Reserve Bank of India Bill.	20.11.33.	Report of the Joint Committee
13.	The Imperial Bank of India Bill.	20.11.33.	-do-
14.	The Indian Khaddar(Name Protection)Bill by Mr. Gaya Prasad Singh.	29.11.33.	
15.	The Indian Tariff (Second Amendment) Bill.	1.12.33.	

WE, the undersigned, Members of the Select Committee to which the Bill further to amend the Indian Railways Act, 1890, for a certain purpose was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

Paper Nos. I—V.

2. The Bill as amended by us is based on three main decisions of principle. We propose to discuss these decisions first and then to indicate how the Bill carries them into effect.

(*1*) Our first decision was that the new powers proposed to be conferred by this Bill should be restricted to motor transport and air services, and that there is no case for allowing railways to establish inland water-way services other than the services they are already empowered to run under section 51 of the main Act. We are agreed, however, that the power to provide transport "for the reasonable convenience of passengers, animals or goods carried or to be carried on its railway", as at present conferred under clause (*e*) of that section, must be maintained in the public interests. These two objects cannot be achieved conveniently by an amendment of clause (*e*), and we think they will be best secured by a new section dealing exclusively with the proposed new powers.

(*2*) We discussed at length the means for securing that local opinion should be consulted and local interests considered before any railway company is allowed to start a new motor or air service. We cannot in the Bill require the local Railway Advisory Committees to be consulted, as these bodies have no statutory existence, and on some railways have no existence at all. To introduce local authorities might create difficulty and confusion, as the structure and terminology of local self-government varies so much from province to province. In these circumstances, we are agreed that the most elastic method will be to require the Governor General in Council to consult Local Governments concerned before any scheme is sanctioned, and we have no doubt that the Local Governments will consult local authorities interested in the scheme, and will pay due regard to all local interests.

(*3*) The third important decision we reached was that railway companies should not receive any differential treatment whatsoever in respect of these new services. In particular our intention is that they should not enjoy any exemptions from taxation or from licensing regulations, but should compete with private enterprise on level terms.

We discussed also the insertion of some provision which would specifically limit the radius within which these services should be allowed to operate, but came to the conclusion that such a provision is not practicable and might have undesired results. There is the initial difficulty of estimating what is a reasonable radius, and there are many other difficulties as well. A radius of fifty miles, for instance, may be too much in a thickly populated country but too little in a sparsely populated country; and within any specified radius there may be several stretches of road on which no railway company could reasonably expect to be allowed to run a motor service. We decided that, for the present, it will be best to leave the decision to the Governor General in Council, acting in consultation with the Local Government, to determine the extent of each service, on a full consideration of all the local circumstances.

3. In accordance with these decisions clause 2 of the Bill has been entirely recast by us. Instead of amending clause (*e*) of section 51, we propose to insert a new section 51A consisting of five sub-sections.

Sub-section (*1*) empowers a railway company (other than the guaranteed companies covered by 42 and 43 Vic., Chap. 41) to frame a scheme for a motor transport or air service, and imposes one limiting condition—that the service must have one terminus at or near a station on the railway.

Under sub-section (*2*) this scheme is to be submitted to the Governor General in Council, who is required to consult the Local Governments concerned and is empowered to impose any modifications and conditions he may think fit.

Sub-section (*3*) requires the final scheme to be published in the Gazette of India for the information of all concerned; and empowers a railway company to inaugurate the new service in accordance with its terms and in accordance with all applicable enactments and rules.

Sub-section (*4*) is intended to place the railway company, in operating any such service, on level terms with any company, firm or individual operating a like service. This provision will give the railway company no advantage, and does not impose on it any disadvantage, as compared with private enterprise. The sub-section also safeguards the powers of Local Governments in respect of the regulation of the use of roads.

4. Though we have entirely recast the one substantive clause of the Bill we have not altered its main principle. The change is merely a restriction and partial definition of the powers proposed in the Bill as introduced. Accordingly we think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

5. The Bill was published as follows :—

IN ENGLISH.

Gazette.	*Date.*
Gazette of India . . .	10th September, 1932.
Fort St. George Gazette .	4th October, 1932.
Bombay Government Gazette .	27th October, 1932.
Calcutta Gazette . . .	3rd November, 1932.
United Provinces Gazette .	24th September, 1932.
Punjab Government Gazette .	11th November, 1932.
Burma Gazette . . .	1st October, 1932.
Central Provinces Gazette .	17th September, 1932.
Assam Gazette . . .	2nd November, 1932.
Bihar and Orissa Gazette . .	5th October, 1932.
Coorg District Gazette . .	1st November, 1932.
North-West Frontier Gazette .	4th November, 1932.

IN THE VERNACULARS.

Province.	*Language.*	*Date.*
Madras	Tamil	1st November, 1932.
	Telegu	1st November, 1932.
Bombay	Marathi	10th November, 1932.
	Gujarathi	10th November, 1932.
	Kanarese	10th November, 1932.
	Urdu	10th November, 1932.
Burma	Burmese	2nd November, 1932.
Bihar and Orissa	Uriya	10th December, 1932.
Assam	Assamese	9th November, 1932.

MOHD. YAMIN KHAN.

J. W. BHORE.

ZIAUDDIN AHMAD.

K. P. THAMPAN.

RAMESHWAR PRASAD BAGLA.

S. C. MITRA.

BHAI PARMA NAND.

*M. MASWOOD AHMAD.

RICHARD SMITH.

R. D. DALAL.

P. R. RAU.

The 22nd March, 1933.

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*Subject to a Note.

NOTE.

In my opinion the proposed rates should form a part of the scheme and those rates should not be changed without previous sanction of Governor General in Council.

M. MASWOOD AHMAD.

[As amended by the Select Committee.]

[Words printed in italics indicate the amendments suggested by the Committee.]

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BILL

Further to amend the Indian Railways Act, 1890, for a certain purpose.

WHEREAS it is expedient further to amend the Indian Railways Act, 1890, for the purpose hereinafter appearing; It is hereby enacted as follows:— IX of 1890.

1. This Act may be called the Indian Railways (Amendment) Act, 1933. Short title.

2. *After* section 51 of the Indian Railways Act, 1890, the following *section* shall be *inserted*, namely:— IX of 1890. *Insertion of new section 51A in Act IX of 1890.*

" *51 A.* (*1*) *Any railway company, not being a company for which the Statute 42 and 43 Vic., Chap. 41, provides, may frame a scheme for the provision and maintenance of a motor transport or air-craft service for passengers, animals or goods with a terminus at or near a station on the railway owned or managed by such company.* *Additional power to provide and maintain transport services.*

(*2*) *The scheme shall be submitted to the Governor General in Council, who, after consultation with the Local Government or Local Governments concerned, may sanction it, subject to such modifications and conditions as he may prescribe.*

(*3*) *The scheme shall be published in the Gazette of India and thereupon the railway company shall, subject to sub-section* (*4*), *have the power to provide and maintain a service in accordance therewith.*

(*4*) *In respect of any service provided and maintained by any railway company under this section,—*

(*a*) *the company shall be deemed not to be a railway administration for the purposes of this Act or of any other enactment affecting railways, and no property used exclusively for purposes of the service shall be deemed to be included in the railway or its rolling stock; and*

(*b*) *all enactments and rules for the time being in force relating to motor vehicles, air-craft and roads shall apply accordingly.*

(*5*) *The Governor General in Council, after consultation with the Local Government or Local Governments concerned, may, by notification in the Gazette of India, after giving to the railway company six months' notice of his intention so to do, withdraw his sanction to any scheme sanctioned under sub-section* (*2*) *or may modify the scheme or impose further conditions on it.*"

GOVERNMENT OF INDIA.

LEGISLATIVE ASSEMBLY
DEPARTMENT.

Report of the Select Committee on the Bill further to amend the Indian Railways Act, 1890, for a certain purpose, with the Bill as amended.

M11LAD—300—16-8-33—GIPS